20th December 1956]

Assistant Librarian for breach of privilege which consisted in an assault *in the Library* upon the person of a Member of the House, he said that it was a power incidental to the Constitution of that House to preserve peace and order within its precincts. It was therefore clear that this Speaker must have thought at the time the *precincts* extended further than the House itself.

The Law Clerk of the House of Commons, Canada, has also given as his opinion that the word " precincts " comprises all the territory over which the Speaker has jurisdiction whether it be the Chamber of the House of Commons itself or the corridors or Committee Rooms or Members' Rooms surrounding it and even the Restaurant, the Library and the Parliamentary grounds.

APPENDIX V.

(1)

Letter from the Secretary to the State Legislature, Government Estate, Madras-2, to F. C. GREEN, ESQ., M.C., Clerk of the House of Representatives, Canberra, A.C.T., Australia, dated the 30th May 1955, No. 2871/55-10-M.L.

During the month of February 1955, the Speaker of the Madras Legislative Assembly received a letter from a Magistrate in one of the districts in the State to the effect that a bailable warrant had been issued for the arrest of a member of the Assembly. The said member was residing in one of the Legislators' Hostels inside which the Legislature Committee Room is also now located. This Hostel, a separate building, is situated to the north-west of the Assembly Chamber at a distance of about 75 yards with one or two other buildings and two roads in between. As the serving of criminal process " within the precincts of the House " when the House is sitting would amount to breach of privilege, a question has arisen as to what would constitute " precincts ".

The Speaker, on the 14th March 1955, referred to the Committee of Privileges the question as to what construction should be put on the expression " precincts of the House " as regards the Madras Legislative Assembly.

Accordingly, the Committee of Privileges met on the 4th April 1955, and decided to obtain information on the principles that have been generally adopted in deciding what exactly constitutes " precincts " in other countries, especially Australia.

I shall therefore be thankful to you if you will kindly let me know by return of post the principle or principles that have been adopted in deciding what exactly constitutes " precincts " in the House of Representatives, Australia.

Thanking you.

(2)

Gist of the letter from Clerk of the House of Representatives, Canberra, A.C.T., Australia.

The Parliamentary building in Canberra is a complete unit not intersected by roads, paths, etc. According to the definition given in May's Parliamentary Practice the precincts there mean " any part of the area within the walls of the Parliamentary building " containing the Senate and the House of Representatives and the associated offices and facilities.

This definition of the " precincts of the House " has been used by Speaker of the House of Representatives in ordering the withdrawal of a Member suspended from the " service of the House ". In view, however, of the remoteness of Canberra from the main centres of population, the House has by a resolution decided that " suspension from the service of the House involves exclusion from the Chamber and its immediate surrounding but does not involve deprivation of the other amenities of the building ".

The House of Representatives had no occasion to define ' precincts ' for purposes of a privilege matter.

APPENDIX VI.

(1)

Demi-official letter from the Secretary to the State Legislature, Government Estate, Mount Road, Madras-2, to Sri R. V. KRISHNA AYYAR, B.A., M.L., retired Secretary to the State Legislature, No. 7, North Chitrakulam street, Mylapore, Madras, dated 24th June 1955, No. 2871/55-12-M.L.

[Precincts of the House—Definition of.]

You will remember that about the last week of February 1955 when a Committee of the House was sitting to consider the Madras Indebted Agriculturists (Repayment of Debts) Bill, the Secretary to the Madras Legislature received a letter from a Judicial Sub-Magistrate, South Kanara, with a request to inform the Hon. the Speaker that he had issued a bailable warrant against a Member of the Legislature. This Member was a member of the Committee which was then sitting. On a representation made to the Hon. the Leader of the House by the Secretary, as instructed by the Hon. the Speaker, that the service of a legal process or the execution of a legal process within the precincts of the Legislature during the sitting of the House or the sitting of a Committee without the leave of the House would be a breach of privilege, the execution of the bailable warrant on the member was prevented. Some time later, another Member also informed the Hon. the Speaker that a constable wanted to serve a summons on him within the building of the Assembly.